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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,674	02/19/2002	Maurizio Pili	30012964-2	8655

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/079,674

Applicant(s)

PILU, MAURIZIO

Examiner

Julie K Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11-22-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 27-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not identify the citizenship of each inventor.

The oath merely states the citizenship as IT, the country of citizenship needs to be spelled out in its entirety.

### ***Specification***

The disclosure is objected to because of the following informalities: the specification uses the word "digitised". This spelling is not recognized by the Merriam Webster's Collegiate Dictionary 10<sup>th</sup> Ed. The word should be spelled "digitized".

Appropriate correction is required.

### ***Claim Objections***

Claims 1, 3, 5-7, 9, 14, 15, 19-22, 27, 28 and 36 objected to because of the following informalities:

1. The use the word "digitised" is improper throughout the claims. This spelling is not recognized by the Merriam Webster's Collegiate Dictionary 10<sup>th</sup>

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Ed. The word should be spelled "digitized". The Examiner notes that Applicant is required to correct all claims in which the word appears.

2. Claim 5, the word "effects" should be "effect" to be grammatically correct.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5-25, 27-31, 34-41, 43-49, 53-55 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Peppel, U.S. Patent No. 6,200,216 B1.** Peppel discloses a system and computer program for displaying photographic images. The system includes a gaming console for playing a video game (See Peppel col. 5 line 45). A communications means is provided for connecting the gaming console to a wide area network (See Peppel col. 7 lines 3-7). A domestic visual display unit displays at least one digitized photographic image data to a user of the gaming console (See Peppel col. 4

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lines 61-64; Fig. 7). A permanent data store is connected to the wide area network. The permanent data store stores the digitized photographic image data and comprises transmission means for transmitting part or all of the digitized photographic image data to the gaming console (See Peppel col. 5 lines 55-57; col. 7 lines 4-6). A portable digital data store resides in the gaming console (See Peppel col. 11 lines 14-15). A viewing application program resides in the gaming console. The viewing application program comprises a communications program for receiving the digitized photographic image data from the permanent data store. The viewing application program is arranged to configure the gaming console to display the digitized photographic image data on the domestic visual display unit when the digitized photographic image data has been received by the gaming console (See Peppel col. 6 lines 64-67; col. 7 lines 1-9). The system includes a remote gaming console, i.e. that of another player. A remote display is coupled to the remote gaming console and a remote communications means is used for connecting the remote gaming console to the wide area network (See Peppel Figs. 2, 6; col. 7 lines 41-45). For example, two users may be at different locations and each access the server from their individual computers; therefore, one can be considered local and the other remote. The gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies the way in which a user of the gaming console controls viewing of the digitized photographic image data such that a second user views the digitized

photographic image data on a remote display (See Peppel col. 8 lines 48-57; col. 6 lines 56-57; col. 7 lines 8-26, 41-45) [claims 1, 19, 21, 48]. For example, a user at a local console can create a card and/or upload it onto the server for display or for trading/selling etc. A second user at a remote console can then view the card based on the first user uploading the card for display. Therefore, the second user can only display the card on their console if the first user has allowed access to the card by placing it in a trading area or an album, etc. The domestic visual display unit and the remote unit can comprise a television (See Peppel col. 5 line 49) [claims 2, 34, 35]. The viewing application program is arranged to enable multiple images of the digitized photographic image data to be displayed to the user simultaneously and a gaming controller of the gaming console is arranged to enable the user to navigate through the multiple images (See Peppel col. 7 lines 9-10; col. 12 lines 49-64) [claim 3]. The viewing application program comprises a plurality of user-selectable digital effects algorithms for altering the presentation of the digitized photographic image data on the domestic visual display unit (See Peppel col. 10 lines 24-31) [claim 5]. The portable digital data store comprises a plurality of user-selectable viewing application programs each program providing a different algorithm for displaying the digitized photographic image data in a different way on the domestic visual display unit (See Peppel col. 6 lines 16-18) [claims 6, 19]. For example, the user can select to play a game, a game movie, a collection album, a trading sequence etc; thereby, the display of these different activities are

different. Each program is arranged to provide a different photo enhancement of the digitized image data (See Peppel col. 11 lines 22-41) [claims 7, 20]. The communication program is arranged to transmit a user selection command to a remote party (See Peppel col. 8 lines 53-55) [claim 8]. The gaming console comprises means for receiving and digitizing a user's voice into voice data and the communications program is arranged to transmit the voice data over the wide area network to a remote party (See Peppel col. 4 lines 10-11) [claims 9, 36, 55]. The communications program is arranged to implement compression of data to be transmitted and decompression of data received via the communications means (See Peppel col. 1 lines 60-62) [claims 10, 16, 23]. The communications program comprises an applet for enabling two-way communications between the gaming console and the remote party (See Peppel col. 8 lines 48-57) [claims 11, 24]. The applet is arranged to password protect access to part or all of the data to be transmitted by the communications means with the user inputting a password associated with the data to be transmitted (See Peppel col. 7 lines 4-7; col. 10 lines 31-35) [claim 12]. The received data is password protected and the applet is arranged to enable access to part or all of the received data once the user has input a correct password associated with the received data (See Peppel col. 10 lines 31-35) [claims 13, 18, 25, 41]. The remote gaming console comprises a remote digital data store, a remote viewing application program and a remote communications program for receiving the digitized photographic image data from the permanent data

store via the wide area network. The remote viewing application program is arranged to configure the remote gaming console to display the digitized photographic image data on the remote display when the digitized photographic image data has been received by the remote gaming console (See Peppel col. 7 lines 3-26). For example, the remote gaming console can be identical to the local gaming console in terms of its setup. The remote gaming console comprises means for receiving and digitizing a third party's voice into voice data and the remote communications program is arranged to transmit the voice data over the wide area network to the gaming console (See Peppel col. 4 lines 10-11) [claim 15]. The remote communications program comprises an applet for enabling two-way communications between another remote gaming console of a third party and the gaming console of the user (See Peppel col. 8 lines 48-57) [claim 17]. The gaming console can receive and digitize the second user's voice into voice data and the communications program is arranged to transmit the voice data over the wide area network to the first user (See Peppel col. 4 lines 10-11) [claims 22, 37, 45]. The transmitting can be over a telephone link or a modem (See Peppel col. 2 line 8; col. 14 lines 28-30) [claims 38, 39, 46, 47]. The digitized photographic image data is communicated to the remote gaming console via a compact disk (See Peppel col. 11 lines 14-15) [claims 27, 40]. The digitized photographic image data is communicated to the remote gaming console via the wide area network (See Peppel col. 5 lines 55-57) [claims 28, 49]. Multiple pre-captured photographic images are displayed on a



local display using a local video gaming console in accordance with instructions from a user of the local video gaming console. The pre-captured photographic images are displayed on a remote display using a remote local video gaming console in accordance with instructions from the user of the local video gaming console (See Peppel col. 7 lines 3-26) [claims 29, 30, 43, 44, 53]. For example, a user at a local console can create a card and/or upload it onto the server for display, i.e. instructions, or for trading/selling etc. A second user at a remote console can then view the card based on the first user uploading the card for display. Therefore, the second user can only display the card on their console if the first user has allowed access to the card by placing it in a trading area or an album, etc. The users can navigate between the pre-captured photographic image and the second pre-captured photographic image in accordance with the navigating instructions from the user of the local video gaming console. The navigated to pre-captured photo-graphic image is displayed on the remote display in accordance with the navigating instructions (See Peppel col. 7 lines 3-26) [claims 31, 57].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 32, 33, 50, 5, 541 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peppel, U.S. Patent No. 6,200,216 B1.** Peppel discloses receiving a selection instruction from the user of the local video gaming console selecting one of the plurality of images on the local display. A corresponding pre-photographic image is displayed and the image is also displayed on the remote display in accordance with the selection instruction (See Peppel col. 7 lines 3-26) [claims 33, 51, 54]. For example, a player can be browsing through their cards and select one for trading, the card that is selected is then displayed in the card trading area and a remote user can view the card. Peppel lacks in specifically disclosing that the images are thumbnail images. It would have been obvious to one of ordinary skill in the art to use thumbnail images. Thumbnail images are well known throughout the art and are used so that multiple pictures can be displayed on the same screen due to their small size [claims 4, 32, 50, 54]. It would have been obvious in Peppel to use thumbnail images so that multiple pictures could fit on the same display screen so that the user can view them simultaneously.

**Claims 42, 52 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peppel in view of Webb et al., U.S. Patent No. 6,325,756 B1.** Peppel lacks in disclosing displaying corresponding pointers on both displays. Webb teaches of displaying a pointer on a local display using the local console in accordance with instructions from the user at the local console.

A corresponding pointer is displayed on the remote display, wherein position of the pointer and position of the corresponding pointer correspond to each other in accordance with instructions from the user of the local console (See Webb col. 2 lines 13-22; col. 4 lines 52-67) [claims 42, 52, 56]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a pointer displayed on the local gaming console of Peppel correspond to a pointer at the remote gaming console. By having corresponding pointers, both users are able to understand what they are communication about. Consequently, in Peppel if corresponding pointers were used, the players would know exactly what card they were talking about with regards to card trades.

### ***Response to Amendment***

It has been noted that claim 26 has been cancelled. Claims 44 and 54 have been amended.

### ***Response to Arguments***

Applicant's arguments filed November 22, 2004 have been fully considered but they are not persuasive. The Examiner believes the rejection has been clarified for the Applicants citing specific portions of Peppel. As explained above Peppel does disclose the gaming console controls viewing of the digitized photographic image data such that a second user views the digitized photographic image data on the remote display. For example, the

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player selects which ETC cards to put online and display in the trading area, thereby allowing a second user at a remote display to view the cards.


With regards to Applicant's arguments that Peppel does not teach the limitations of the other independent claims, the Examiner believes she has clarified the office action and explained above how Peppel does teach these limitations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Julie K Brockett  
Examiner  
Art Unit 3713